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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/379,215	08/23/99	BECKMANN	F 2427/207-104

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EXAMINER

PRATT, C

ART UNIT

PAPER NUMBER

1771

DATE MAILED:

08/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/379,215

Applicant(s)

BECKMANN, FRIEDHELM

Examiner

Christopher C. Pratt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Response to Amendment

1. Applicant's amendments and accompanying remarks filed 6/5/00 have been entered and carefully considered. Applicant's amendment is found to overcome the claim objections as well as the 112 indefinite rejection of claims 5 and 9. Despite this advance, the amendments are not found to patentably distinguish the claims over the prior art and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardill (5614285) in view of Hawley's Condensed Chemical Dictionary.

Applicant has amended the independent claims 1 and 13 to include the limitation of specific materials composing applicants reinforcing insert. Applicant argues that Gardill fails to teach a "reinforcing insert having an open-pored fabric formed from fibers ...penetrated from at least one side by melted synthetic materials." However in claim 1 of Gardill's patent a laminate is described comprising a first mat layer of thermoplastic and natural fibers. This mat layer is adjacent to a scrim layer, which is an open pored

fabric. The scrim layer is adjacent to thermoplastic layer (col. 5, line 3). The scrim layer and mat layer are laminated together using pressure and heat. Claim 1 calls for the scrim layer to be composed of thermoplastic fibers having a melting temperature equal to or higher than the melting temperature of the thermoplastic fibers of the mat layer, to which it is connected. Claim 3 then calls for this scrim layer to be polyester or polypropylene. Therefore, if the scrim layer has a higher melting point than the mat layer when they are laminated together with the application of pressure and heat the melted synthetic materials of the mat layer would penetrate the scrim layer. Gardill discloses applicant's claimed invention except for the specific thermoplastic materials added to claims 1 and 13. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize polyethylene terephthalate or polybutylene terephthalate as the materials comprising the open pored fabric of Gardill. The Examiner takes official notice of the equivalence of polyethylene terephthalate, polybutylene terephthalate, polyester, and polypropylene as polymers having a melting point at least as high as the polymer used in the mat layer of Gardill. One of ordinary skill in the art would substituted polyethylene terephthalate for the polymers used in Gardill's scrim layer motivated by the reasoned expectation of utilizing a polymer having good electrical resistance, moisture absorption, and flame resistance, as taught by Hawley.

With respect to claims 6-7, Gardill discloses the claimed invention including multiple natural fabric layers (claim 11) except for an additional thermoplastic layer and additional reinforcing layers. It would have been obvious to a person of ordinary skill in

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the art at the time the invention was made to include an additional plastic and additional reinforcing layers, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *ST. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. A person of ordinary skill in the art would have been motivated to add another plastic layer to the other side of the laminate in order to create a soil and dust barrier. A person of ordinary skill in the art would have been motivated to include additional reinforcement layers in order to provide increased dimensional stability to the laminate.

With respect to claim 14, Gardill discloses the claimed invention except for a combination of materials. It would have been an obvious matter of design choice to utilize a combination of materials, since applicant has not disclosed that using a combination of polyethylene terephthalate and polybutylene terephthalate solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a scrim layer composed solely of polyethylene terephthalate.

With respect to claims 15-16, Gardill discloses the component surface structure claimed by applicant (claims 8-9 and 13).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number and e-mail address is 703-305-6559 and Christopher.Pratt@uspto.gov. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm. Applicants are hereby

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reminded of the Patent Office regulations in which the office is not responsible for any emails read by unintended parties, and all email communications are strictly unofficial.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.



Christopher C. Pratt
August 1, 2000



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700